

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

①

PLAINTIFF	UNITED STATES MARSHAL	COURT CASE NUMBER
Roy Thompson	2023 AUG -4 AM 11:03	4:22cv3451
DEFENDANT	SOUTHERN DIST. S/TX	Order and Complaint
John Doe #1, et al		
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN	
	Christopher Ortega, Harris County Sheriff's Department, Harris County Jail	
	1200 Baker Street, Houston TX 77002	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

UNITED STATES COURT
515 RUSK, ROOM 5300
HOUSTON TX 77002

United States Courts
Southern District of Texas
FILED

AUG 28 2023

Number of process to be
served with this Form 285Number of parties to be
served in this caseCheck for service
on U.S.A.SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL CLERK IN EXPEDITING SERVICE (Include Business and Alternate Addresses,
All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:

/s/ Joan Davenport, deputy clerk

☒ PLAINTIFF☐ DEFENDANT

TELEPHONE NUMBER

713-250-5500

DATE

July 31, 2023

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1022	District of Origin No. 79	District to Serve No. 79	Signature of Authorized USMS Deputy or Clerk Jm Lancy	Date 8/4/23
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described
on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion
then residing in defendant's usual place
of abode

Address (complete only different than shown above)

Date 08/24/23	Time 10:00	<input checked="" type="checkbox"/> am <input type="checkbox"/> pm
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Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
	2				\$0.00

REMARKS:

-On 08/24/23 DUSM Saenz made contact at the Harris Co. Jail, DUSM Saenz spoke with the
Human Resources Division (HRD) who stated that Christopher Ortega had resigned on 08/23/2022.
-HRD would not provide physical address. Returned Unexecuted. Mileage: 2 Miles Roundtrip

PRINTS COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment,
if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/15/80
Automated 01/00

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. **4:22cv3451****PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Christopher Ortega
 was received by me on *(date)* August 4, 2023

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

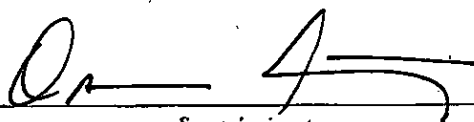
☒ I returned the summons unexecuted because -Resigned from Harris Co. Jail on 08/23/2022 ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 08/24/2023



 Server's signature

Omar Saenz Deputy United States Marshal

 Printed name and title

515 Rusk St, Houston, TX 77002

 Server's address

Additional information regarding attempted service, etc:

-Returned Unexecuted - Individual resigned on 08/23/2022

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

RECEIVED

UNITED STATES MARSHAL

2023 AUG -4 AM 11:03

SOUTHERN DIST. S/TX

ROY THOMPSON*Plaintiff(s)*

v.

JOHN DOE #1, Jailer, et al*Defendant(s)*Civil Action No. **4:22cv3451**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

CHRISTOPHER ORTEGA
Harris Count Sheriff's Department
Harris County Jail
1200 Baker Street
Houston TX 77002

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Roy Thompson
SPN 00153124 TDCJ 02442552
Moore Unit
1700 North FM 87
Bonham, TX 75418

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Nathan Ochsner, Clerk of Court

Date: July 31, 2023

s/ Joan Davenport
 Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RECEIVED
UNITED STATES MARSHAL
2023 AUG -4 AM 11:02
SOUTHERN DIST. S/TX

ROY THOMPSON,
SPN 00153124, TDCJ #02442552,
Plaintiff,

VS.

JOHN DOE #1, *et al.*,
Defendants.

§
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§

CIVIL ACTION NO. H-22-03451

ORDER FOR SERVICE OF PROCESS

Plaintiff Roy Thompson, proceeding *pro se* and *in forma pauperis*, is currently in custody of the Texas Department of Criminal Justice. At the time he filed this prisoner civil rights lawsuit under 42 U.S.C. § 1983, he was a pre-trial detainee. He alleges that on or around January 28, 2022, he was beaten by two guards at the Harris County Jail. Doc. No. 1 at 4. Because Thompson was unable to name the two guards, the Court requested a report from Harris County to assist in identification of the guards allegedly involved in the January 28, 2022, incident. The Court has conducted the screening required under 28 U.S.C. § 1915A and concludes that an answer is necessary from the following Defendants: **Christopher Ortega and Jondonavan Vickers-Gilbreath.**

Accordingly, the Court **ORDERS** as follows:

1. The Clerk shall issue summons and the U.S. Marshal shall serve a copy of the summons, Complaint (Doc. No. 1), and this Order upon the following Defendants:

CHRISTOPHER ORTEGA
Harris County Sheriff's Department
Harris County Jail
1200 Baker Street
Houston, TX 77002

JONDONAVAN VICKERS-GILBREATH
Harris County Sheriff's Department
Harris County Jail
1200 Baker Street
Houston, TX 77002

2. Defendants shall file an answer within forty (40) days from the date of service of process.

3. Defendants shall file a dispositive motion, if appropriate, within ninety (90) days after the date the defendants' answers are due. Any such dispositive motion shall include, with a business records affidavit, copies of any documents relevant to plaintiff's claims and the defendants' defenses, including copies of any written jail policies or written unit rules relevant to the alleged events forming the basis of this lawsuit.

4. The plaintiff will respond to any motion filed by the defendant within thirty (30) days of the date on which the defendant(s) mailed plaintiff his copy, as shown on the certificate of service. **Failure of the plaintiff to respond to the defendants' motion(s) within the time limit may result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.**

5. Each party shall serve the other party, or his counsel, with a copy of every pleading, motion, or other paper submitted for consideration by this Court. Service shall be by mail to the other party. Every pleading, motion, or other document filed with the

Clerk of the Court shall be signed by at least one attorney of record in his individual name, whose address shall be stated, or if the party is proceeding *pro se*, by said party, with address likewise stated. In the case of the *pro se* party, only signature by the *pro se* party will be accepted. If a layman signs a pleading, motion, or other document on behalf of a *pro se* party, such document will not be considered by the Court.

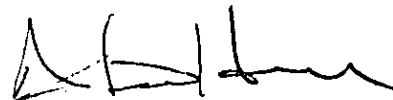
6. Every pleading, motion, or other document shall include on the original a signed certificate stating the date a true and correct copy of the pleading, motion, or document was mailed and to whom mailed. Failure to mail a copy thereof as certified by the certificate will subject that party to sanction by the Court. Sanctions may include, but are not limited to, automatic striking of the pleading, motion, or other document.

7. There will be no direct communications with the United States District Judge or Magistrate Judge. Communications must be submitted to the Clerk with copies to the other party. See Rules 5(a) and 11 of the Federal Rules of Civil Procedure.

The Clerk shall send a copy of this Order to the parties and will further provide a copy of the Complaint (Doc. No. 1) and this Order to the **Harris County Attorney's Office, Attn: Federal Trial Division Chief, 1019 Congress Street, 15th Floor, Houston, Texas 77002, phone (713) 755-7184, fax (713) 755-8924.**

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, this 28th day of July 2023.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)
RECEIVED
UNITED STATES MARSHAL

2023 AUG -4 AM 11:02

SOUTHERN DIST. S/TX

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Houston DIVISION

United States Courts
Southern District of Texas
FILED

OCT - 6 2022

Nathan Ochoner, Clerk of Court

Koy Thompson #00153124

Plaintiff's Name and ID Number

Fort Bend Detention Center

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

John Doe #1, Jailer

Defendant's Name and Address

John Doe #2, Jailer

Defendant's Name and Address

Harris County Sheriff's Office

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$352.00 plus an administrative fee of \$50.00 for a total fee of \$402.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$352.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? ___ YES ~~___~~ NO ☒
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A
 3. Court: (If federal, name the district; if state, name the county.) N/A
 4. Cause number: N/A
 5. Name of judge to whom case was assigned: N/A
 6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
 7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: Fort Bend Detention Center

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff:

Roy Thompson,
1410 Richmond PKWY., Richmond, TX 77469

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: John Doe #1, Detention Officer "Jailer" Harris County
Sheriff's Office, 1200 Baker Street, Houston, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Physical Assault and neglect medical treatment

Defendant #2: John Doe #2, Detention Officer "Jailer" Harris County
Sheriff's Office, 1200 Baker Street, Houston, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Physical Assault and neglect medical treatment

Defendant #3: Harris County Sheriff's Office, 701 N. San Jacinto
Houston, TX 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Due process protection from loss of life

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On January 28, 2022, inside of the Harris County Jail, I Roy Thompson was being held as pretrial detainee. Both defendants placed me in handcuffs and punched me in the face repeatedly. I was refused medical attention for 3 days, and on Feb. 1, 2022, I was finally allowed to the infirmary. Where X-rays revealed I suffered a double jaw fracture. Emergency surgery at Ben Taub Hospital was required. The next day I underwent a 9 hour surgery that placed metal in my face and permanently scarred and realigned my smile. At the time of incident, no reports or statements were written, neither disciplinary cases/sanctions delivered. The event was captured on security footage.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Collectively award monetary damages in the amount of 8 million dollars and also criminally prosecute the defendants

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Roy Don Thompson Sr.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TDC # 1166457 Harris County SPN 01988773

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied?

___ YES ___ NO

C. Has any court ever warned or notified you that sanctions could be imposed?

___ YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A2. Case number: N/A3. Approximate date warning was issued: N/A

Executed on:

9-28-22

DATE

Roy Thompson
Roy Thompson

(Signature of Plaintiff)

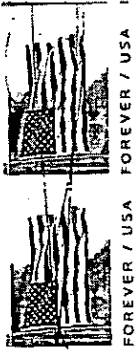
PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this Twenty-Eighth day of September, 2022.
(Day) (month) (year)Roy Thompson
Roy Thompson
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Fort Bend Detention
Roy Thompson #00153124
1410 Richmond Pkwy.
Richmond, TX 77469



United States Court
Southern District of Texas
FILED
OCT - 6 2022
Nathan Ochsner, Clerk of Court

CLERK
U.S. District Court - Southern
P.O. Box 61010
Houston, TX 77208